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**IN THE UNITED STATES DISTRICT COURT**  
**STATE OF UTAH, CENTRAL DIVISION**

<p>JOHN FITZEN and MARIA FITZEN,</p> <p>Plaintiffs,</p> <p>vs.</p> <p>ARTSPACE AFFORDABLE HOUSING, L.P., ARTSPACE RUBBER COMPANY, L.C.; EVERGREEN MANAGEMENT GROUP, LLC; THE LAW OFFICES OF KIRK A. CULLIMORE, LLC.; and KIRK A. CULLIMORE.</p> <p>Defendants.</p>	<p>ORDER GRANTING STIPULATED MOTION TO A SCHEDULING ORDER, SCHEDULING ORDER AND ORDER VACATING HEARING</p> <p>Civil No. 2:09-cv-00470</p> <p>Judge: Ted Stewart</p>
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**Pursuant to Fed.R. Civ P.16(b), the Magistrate Judge<sup>1</sup> received a Motion for a Scheduling Order (docket #18) and an Attorney's Planning Report filed by counsel (docket #19). The court took the motion under advisement setting a deadline of January 14, 2010, for a response. No response was received. The court GRANTS the motion and the following matters are scheduled. The times and deadlines set forth herein may not be modified without the approval of the Court and on a showing of good cause.**

**IT IS ORDERED that the Initial Pretrial Conference set for January 20, 2010 @ 10:30 is VACATED.**

**1. PRELIMINARY MATTERS**

**DATE**

**Nature of claim(s) and any affirmative defenses:**

**Conversion, Federal and State Consumer Law Claims, 1983 Claims**

- |  |                   |
|--|-------------------|
| <b>a. Was rule 26(f)(1) Conference held?</b>                 | <b>Yes</b>        |
|  | <b>12/08/2009</b> |
| <b>b. Has Attorney Planning Meeting Form been submitted?</b> | <b>Yes</b>        |
|  | <b>12/22/2009</b> |
| <b>c. Was 26(a)(1) initial disclosure completed?</b>         | <b>NO</b>         |
|  | <b>1/15/2010</b>  |

**2. DISCOVERY LIMITATIONS**

- |   |                     |
|---|---------------------|
| <b>a. Maximum Number of Depositions by Plaintiff(s)</b>             | <b>NUMBER</b>       |
|   | <b>10 per party</b> |
|   | <b>per opposing</b> |
|   | <b>party</b>        |
| <b>b. Maximum Number of Depositions by Defendant(s)</b>             | <b>10 per party</b> |
|   | <b>per opposing</b> |
|   | <b>party</b>        |
| <b>c. Maximum Number of Hours for Each Deposition</b>               |                     |
| <b>(unless extended by agreement of parties)</b>                    | <b>7</b>            |
| <b>d. Maximum Interrogatories by any Party to any Party</b>         |                     |
|   | <b>25</b>           |
| <b>e. Maximum requests for admissions by any Party to any Party</b> |                     |
|   | <b>Unlimited</b>    |
| <b>f. Maximum requests for production by any party to any Party</b> |                     |
|   | <b>Unlimited</b>    |

**3. AMENDMENT OF PLEADINGS/ADDING PARTIES<sup>2</sup>**

**DATE**

**a. Last Day to File Motion to Amend Pleadings**

**3/09/2010**

**b. Last Day to File Motion to Add Parties**

**4/09/2010**

**3. RULE 26(a)(2) REPORTS FROM EXPERTS<sup>3</sup>**

**a. Plaintiff**

**8/30/2010**

**b. Defendant**

**9/30/2010**

**c. Counter Reports**

**10/30/2010**

**4. OTHER DEADLINES**

**a. Discovery to be completed by:**

**Fact discovery**

**8/16/2010**

**Expert discovery**

**11/15/2010**

**b. (optional) Final date for supplementation of disclosures and discovery under Rule 26 (e)**

**11/15/2010**

**c. Deadline for filing dispositive or potentially dispositive motions**

**12/15/2010**

**5. SETTLEMENT/ALTERNATIVE DISPUTE RESOLUTION**

**a. Referral to Court-Annexed Mediation**

**No**

**b. Referral to Court-Annexed Arbitration**

**c. Evaluate case for Settlement/ADR on**

**d. Settlement probability: Fair**

**No  
End of  
Discovery**

**6. TRIAL AND PREPARATION FOR TRIAL:**

**DATE**

**a. Rule 26(a)(3) Pretrial Disclosures<sup>4</sup>**

**Plaintiffs**

**03/25/11**

**Defendants**

**04/08/11**

**b. Objection to Rule 26(a)(3) Disclosures  
(if different than 14 days provided in Rule)**

**c. Special Attorney Conference on or before**

**04/22/11**

**d. Settlement Conference on or before**

**04/22/11**

**e. Final Pretrial Conference**

**2:30 p.m.**

**05/09/11**

**f. Trial**

	<b>Length</b>	<b>Time</b>	<b>Date</b>
<b>i. Bench Trial</b>			
<b>ii. Jury Trial</b>	<b>Three days</b>	<b>8:30 a.m.</b>	<b>05/23/11</b>

**7. OTHER MATTERS:**

**Counsel should contact chambers staff of the District Judge regarding Daubert and Markman motions to determine the desire process for filing and hearing of such motions. All such motions, including Motions in Limine should be filed well in advance of the Final Pre Trial.**

**Dated this \_18th\_ of January\_\_\_, 2010.**

**BY THE COURT:**

A handwritten signature in blue ink, appearing to read "David Nuffer", is written over a horizontal line.

**David Nuffer  
U.S. Magistrate Judge**